



UNITED STATES DEPARTMENT OF COMMERCE
Bureau of Industry and Security
Washington, D.C. 20230

NOV 04 2019

T. McElwee
MuckRock News
DEPT MR 80437
411A Highland Avenue
Somerville, MA 02144

Via electronic mail: 80437-16654544@requests.muckrock.com

BIS Tracking Number: BIS 19-240
FOIAonline Tracking Number: DOC-BIS-2019-002217

Re: Freedom of Information Act Request

Dear Mr. McElwee:

This is in response to your September 17, 2019, Freedom of Information Act (FOIA), 5 U.S.C. § 552, request to the Department of Commerce's Bureau of Industry and Security (BIS) for "all BIS files mentioning, concerning or sent to or sent by ADNAN KHASHOGGI, a deceased person."

BIS has completed its review and determined that the information is exempt from disclosure and the documents are being withheld in full under FOIA Exemption (b)(3).

FOIA exemption (b)(3) based on information protected under Section 1761(h) of the Export Control Reform Act of 2018 (the "Act"). Section 1761(h)(1)(A)–(B) states, in pertinent part, that "information submitted or obtained in connection with an application for a license or other authorization to export, reexport, or in-country transfer items or engage in other activities, a recordkeeping or reporting requirement, an enforcement activity, or other operations" further described in the statute "shall be withheld from public disclosure and shall not be subject to disclosure under section 552(b)(3) of title 5, United States Code, unless the release of such information is determined by the Secretary to be in the national interest." This Section does not merely authorize maintaining the confidentiality of information obtained under the Act, but requires such information not be disclosed unless its release is determined to be in the national interest. In the absence of a national interest determination authorizing release of information responsive to your request and consistent with the criteria of Section 1761(h), any such information cannot be released.

If you have any questions or concerns or would like to discuss any aspect of your request, you may contact contact Grace Agyekum of my staff at 202-482-7893 or via e-mail at grace.agyekum@bis.doc.gov.

Please refer to your FOIA request tracking number when contacting us.



In addition, you may contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA mediation services they offer. The contact information for OGIS is as follows:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
e-mail at ogis@nara.gov;
telephone at 202-741-5770
toll free at 1-877-684-6448
facsimile at 202-741-5769

You have the right to appeal this denial of your FOIA request. An appeal must be received within 90 calendar days of the date of this response letter. Address your appeal to the following office:

Assistant General Counsel for Employment, Litigation and Information
U.S. Department of Commerce
Office of the General Counsel, Room 5896
1401 Constitution Ave., NW
Washington, D.C. 20230

You may also appeal by e-mail to FOIAAppeals@doc.gov or by FOIAonline, if you have an account in FOIAonline, at <https://foiaonline.regulations.gov/foia/action/public/home#>. The appeal should include a copy of the original request and initial denial, if any. All appeals should include a statement of the reasons why the requested records should be made available and why the adverse determination was in error.

The appeal letter, the envelope, and the e-mail subject line should be clearly marked "Freedom of Information Act Appeal." The e-mail, FOIAonline, and office mail are monitored only on working days during normal business hours (8:30 a.m. to 5:00 p.m., Eastern Time, Monday through Friday). FOIA appeals posted to the e-mail box, FOIAonline, or the office after normal business hours will be deemed received on the next normal business day. If the 90th calendar day for submitting an appeal falls on a Saturday, Sunday or legal public holiday, an appeal received by 5:00 p.m., Eastern Time, the next business day will be deemed timely.

Sincerely,



Carol M. Rose
Chief Financial Officer and
Director of Administration